



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 22, 1995

Mr. Michael R. Davis  
Assistant General Counsel  
Texas Department of Public Safety  
Box 4087  
Austin, Texas 78773-0001

OR95-816

Dear Mr. Davis:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 33945.

The Texas Department of Public Safety (the "department") received a request for a copy of the "report and/or findings submitted to the Senate Investigation Committee" concerning the Gateway Council on Substance Abuse. You assert that the requested information is excepted from required public disclosure based on sections 552.002, 552.021, 552.101, 552.108 and 552.116 of the Government Code.

Section 552.108 of the Government Code, sometimes referred to as the "law enforcement" exception, provides as follows:

(a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure].

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from [required public disclosure].

This exception generally applies to evidentiary information related to a pending criminal case. You inform us that the investigation of the Gateway Council on Substance Abuse is ongoing. We, therefore, conclude that the department may withhold the requested information from required public disclosure pursuant to section 552.108. *See* Open Records Decision Nos. 177 (1979), 79 (1975).

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay H. Guajardo  
Assistant Attorney General  
Open Government Section

KHG/rho

Ref.: ID# 33945

Enclosures: Submitted documents

cc: Ms. Bettie Bond  
Executive Director  
Gateway Council on Substance Abuse  
P.O. Box 698  
Wichita Falls, Texas 76307  
(w/o enclosures)